IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.2483 OF 2007

Hussein Iqbal Shaikh ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr P. R. Dave, Advocate for the Applicant.

Ms M.H.Mhatre, APP for the respondent.

CORAM: V.C. DAGA,J.
DATED: 29.8.2007.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant, arrested in C.R.No. 296 of 2006 registered with Tardeo Police Station, for the offence under Sections 302, 141, 143,144, 147, 148 read with Section 149 of the I.P.C.,is seeking bail under Section 439 of the Cr.P.C.

4. The main contention that was advanced in support of the bail application was that the applicant, though known to the first informant, had not been named in the F.I.R. That no overt act has been alleged against him. The co-accused; namely Mohammed Hasan Salim Shaikh and Mrs Reshma Irfan Shaikh have already been enlarged on bail by the

Additional Sessions Judge, Sewree under separate orders;whereas, another co-accused Mohd.Hussein Saleem Shaikh has been released on bail by this Court in Cri.Appln. No. 2005 of 2007 dated 13.7.2007. So far as the present applicant is concerned, he is claiming parity with Mohd. Hussein Saleem Shaikh to which, according to me, he is entitled for the same.

5. The present applicant-accused came to be arrested on 23.6.2007 and since he is in jail. He has moved bail application in Sessions Court which came to be rejected on 27.6.2007.

6. In the above view of the matter, I am inclined to grant bail in favour of the applicant, subject to following conditions:

a) The applicant arrested in connection with C.R.No. 296 of 2006 registered with the Tardeo Police Station, Mumbai shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

b) The applicant shall report to the Tardeo Police Station once in 15 days, i.e. on every alternate Friday between 5:00 to 7:00

p.m. till conclusion of the trial.

c) The order of bail will be given effect only after the applicant furnishes to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

d) The applicant shall not directly or indirectly, make any inducement or threat or pressurize any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

e) The applicant shall co-operate with the Investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

7. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

8. The applicant is put on notice that on a report by the State in violating any of the conditions by him, mentioned herein, shall result in cancellation of this bail order.

9. The application stands disposed of in the above terms.

(V.C.DAGA,J)